

**CALFRESH REQUEST FOR POLICY INTERPRETATION****PI# PI-18-35**

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

**Please note:** the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 03/21/2018	NEED RESPONSE BY: 04/05/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: San Francisco	
3. PHONE NO.: EMAIL:		7. SUBJECT: CalFresh OI Liable Individuals	
4. REGULATION CITE(S):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b> 7CFR Ch.II 273.18(e)(3)(iv)(B); and 273.1(b)(1)(i) MPP 63-801.431(f); 63-402.143; 63-102(s)(9)	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Scenario: A wife applied for CalFresh for herself only. She was granted CalFresh benefits as a HH of 1. Later, the wife admitted that she is married and has been living with her husband since before she applied for CalFresh. The husband's earnings exceeded 200% FPL for a HH of two and an OI was computed. Is the husband a liable individual on this claim?

MPP 63-801.431(f) states, "Claim collection will be from all adults who were in the household when the overpayment occurred." Does this include an adult member in the home that was never included in the CalFresh household composition and never received benefits even though that adult was a mandatory CalFresh household member?

10. REQUESTOR'S PROPOSED ANSWER:

Yes; similar to excluded household members (MPP 63-402.22), regardless of whether the husband received CalFresh benefits or not, he should have been included in the CalFresh household per MPP 63-402.143, and he was in the home when the overpayment occurred therefore, he is a liable individual per MPP 63-801.431(f).

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Based upon the circumstances provided in the above scenario, the State concurs with the county's response. Further, MPP 63-801.431(f) states, "Claim collection will be from all adults who were in the household when the overpayment occurred."

**FOR CDSS USE**

DATE RECEIVED:

03-29-2018

DATE RESPONDED TO COUNTY/ALJ:

04-19-2018 AB